

Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 03082 01 OF 04 202305Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05 ICAE-00
NSCE-00 INRE-00 SSO-00 /055 W
-----006391 202343Z /63

O 202245Z JUN 78
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC IMMEDIATE 7771
INFO AMCONSUL MONTREAL
ALL OTHER CANADIAN POSTS POUCH

LIMITED OFFICIAL USE SECTION 01 OF 04 OTTAWA 03082

E.O. 11652: N/A
TAGS: PGOV, PINT, CA
SUBJECT: "THE CONSTITUTIONAL AMENDMENT BILL"

1. SUMMARY: TRUDEAU PRESENTED TO THE HOUSE OF COMMONS
JUNE 20 THE BILL CONTAINING THE GOVERNMENT'S PROPOSED
REVISIONS OF THE CANADIAN CONSTITUTION, THE BRITISH
NORTH AMERICA ACT. CONSISTENT WITH THE GOVERNMENT'S
WHITE PAPER OF LAST WEEK, ENTITLED "A TIME FOR ACTION"
(OTTAWA 2943 AND 2970), THE BILL PROVIDES FOR: (A)
CHARTER OF RIGHTS AND FREEDOMS; (B) THE REPLACEMENT OF
THE SENATE BY A HOUSE OF THE FEDERATION, ONE HALF OF
WHOSE MEMBERS WOULD BE SELECTED BY THE PROVINCIAL LEGIS-
LATURES AND THE OTHER HALF BY THE HOUSE OF COMMONS;
(C) "A SUSPENSIVE VETO" BY THE HOUSE OF THE FEDERATION
ON CERTAIN LEGISLATION ADOPTED BY THE HOUSE OF COMMONS;
(D) REFORM OF THE SUPREME COURT, INCLUDING A REQUIREMENT
THAT APPOINTMENTS BE "AFFIRMED" BY THE HOUSE OF THE
FEDERATION; (E) THE QUEEN TO CONTINUE TO BE SOVEREIGN HEAD
OF CANADA; AND (F) THE PRIVY COUNCIL TO BECOME THE "COUN-
CIL OF STATE". FOLLOWING ARE "EXPLANATORY NOTES" ON THE
BILL WHICH WERE PREPARED FOR A MEETING TODAY (JUNE 20) OF
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 03082 01 OF 04 202305Z

THE LIBERAL PARTY CAUCUS AND WHICH WERE CONFIDENTIALLY
PASSED TO US BY A LIBERAL MP. END SUMMARY.

2. BEGIN TEXT OF "EXPLANATORY NOTES":

"MAIN PARTS OF THE BILL -- PART I

- (A) PREAMBLE AND 'AIMS'
- - DESIGNED TO PROVIDE A STATEMENT OF
- . WHAT IT MEANS TO BE A CANADIAN
- . WHAT THE AIMS OF OUR FEDERATION ARE
- - PURPOSE IS:
- . TO HAVE SOMETHING THAT APPEALS NOW AND
- THAT WILL IN FUTURE INSPIRE CANADIANS
- OF EVERY PROVINCE.
- . TO CONSTITUTE A COMMITMENT OF
- PARLIAMENT AND GOVERNMENT TO THESE AIMS
- (B) CHARTER OF RIGHTS AND FREEDOMS
- - FUNDAMENTAL RIGHTS AND FREEDOMS (EXAMPLE:
- FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION)
- - INDIVIDUAL LEGAL RIGHTS (EXAMPLE: THE RIGHT
- TO BE SECURE AGAINST UNREASONABLE SEARCHES
- AND SEIZURES)
- - RIGHTS OF INDIVIDUALS AS CITIZENS (FREEDOM
- OF MOVEMENT WITHIN CANADA)

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 03082 01 OF 04 202305Z

- - ABOVE RIGHTS AND FREEDOMS TO BE ENJOYED
- WITHOUT DISCRIMINATION BECAUSE OF RACE,
- NATIONAL OR ETHNIC ORIGIN, LANGUAGE, COLOUR,
- RELIGION, AGE OR SEX
- - DEMOCRATIC RIGHTS OF CITIZENS (EXAMPLE:
- PRINCIPLE OF UNIVERSAL SUFFRAGE)
- - OFFICIAL LANGUAGES AND LANGUAGE RIGHTS
- . RIGHT OF INDIVIDUAL TO USE ENGLISH OR
- FRENCH IN DEBATES OF PARLIAMENT OR ANY
- PROVINCIAL LEGISLATURE
- . STATUTES OF PARLIAMENT AND LEGISLATURES
- OF ONTARIO, QUEBEC AND NEW BRUNSWICK TO
- BE PUBLISHED IN ENGLISH AND FRENCH
- . ENGLISH OR FRENCH MAY BE USED IN FEDERAL
- COURTS AND COURTS OF ONTARIO, QUEBEC
- AND NEW BRUNSWICK AND IN PROCEEDINGS IN
- ANY COURT IN CRIMINAL MATTERS AND FOR
- OFFENCES WHERE LOSS OF LIBERTY IS AT
- ISSUE

- . THE RIGHT OF THE PUBLIC TO USE EITHER
- OFFICIAL LANGUAGE IN COMMUNICATING WITH
- THE HEAD OR CENTRAL OFFICES OF FEDERAL
- DEPARTMENTS OR AGENCIES, AND, WHERE
- NUMBERS WARRANT, WITH FEDERAL AND PRO-
- VINCIAL OFFICES ANYWHERE IN CANADA; AND

- . RIGHT OF ANY CITIZEN WHO IS NOT OF THE
- MAJORITY OFFICIAL LANGUAGE GROUP IN ANY
- PROVINCE TO CHOOSE THE MINORITY LANGUAGE

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 03082 02 OF 04 211612Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05 ICAE-00
NSCE-00 INRE-00 SSO-00 /055 W
-----012496 211617Z /41/63

O 202245Z JUN 78
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC IMMEDIATE 7772
INFO AMCONSUL MONTREAL
ALL OTHER CANADIAN POSTS POUCH

LIMITED OFFICIAL USE SECTION 02 OF 04 OTTAWA 03082

C O R R E C T E D C O P Y (TEXT)

- AS THE LANGUAGE OF EDUCATION FOR HIS OR
- HER CHILDREN, IF THE NUMBER OF CHILDREN
- IN THE AREA WARRANTS PROVISION OF SUCH
- SERVICES

- (C) FEDERAL INSTITUTIONS

- A NUMBER OF IMPORTANT PROVISIONS:

- - THE CROWN AND THE GOVERNOR GENERAL

- . QUEEN TO CONTINUE TO BE SOVEREIGN HEAD
- OF CANADA AND STYLED 'QUEEN OF CANADA'
- (S.30)

- . GOVERNOR GENERAL'S OFFICE BECOMES HIS
- OWN, NOT JUST THAT OF A REPRESENTATIVE
- (SS.42, 43, 56)

- - THE EXECUTIVE
- LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 03082 02 OF 04 211612Z

- . PRIVY COUNCIL BECOMES 'COUNCIL OF STATE'
- (S. 49)

- . CABINET IS (SPECIFICALLY) PROVIDED FOR
- (SS. 51-54)

- - THE HOUSE OF THE FEDERATION

- . SENATE WOULD BE REPLACED BY THE HOUSE
- OF THE FEDERATION

- - REPRESENTATION (S. 62)

- . INCREASE ATLANTIC PROVINCES BY
- 2 (FOR NEWFOUNDLAND)

- . INCREASE WESTERN PROVINCES BY 12
- . ONTARIO AND QUEBEC STAY AT 24 EACH

- - MEMBERS SELECTED (S. 63)

- . 50 PERCENT BY HOUSE OF COMMONS AND
- 50 PERCENT BY PROVINCIAL LEGISLA-
- TURES AFTER FEDERAL AND PROVINCIAL
- ELECTIONS, DISTRIBUTED AMONG PARTIES
- ACCORDING TO THE POPULAR VOTE IN
- THE PROVINCE

- - BASIC APPROACH AND POWERS

- . PROVIDE MORE EFFECTIVE REPRESENTA-
- TION TO REGIONS

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 03082 02 OF 04 211612Z

- . OFFSET TO POPULATION CONCENTRATION
- IN ONTARIO AND QUEBEC
- . POWER TO INITIATE LEGISLATION,
- EXCEPT MONEY BILLS

- . SUSPENSIVE VETO ON ALL
- . LEGISLATION, EXCEPT FOR 'URGENT
- . BILLS' NOT HAVING A SIGNIFICANT
- . FEDERAL-PROVINCIAL IMPACT OR
- . BEING OF SPECIAL LINGUISTIC
- . SIGNIFICANCE
- . 'MEASURES OR PORTIONS OF MEASURES
- . OF SPECIAL LINGUISTIC SIGNIFICANCE'
- . (S. 69)

- . - WOULD REQUIRE A DOUBLE MAJORITY:
- . I.E., A MAJORITY
- . OF ENGLISH-SPEAKING MEMBERS; AND
- . OF FRENCH-SPEAKING MEMBERS

- . - DESIGNED TO PROVIDE EQUALITY OF
- . THE TWO LINGUISTIC GROUPS FOR
- . SUCH MEASURES

- . - COULD BE OVERRIDDEN ONLY BY A
- . FURTHER COMMONS VOTE OF 2/3

- . POWER TO AFFIRM OR VETO CERTAIN
- . APPOINTMENTS (INCLUDING APPOINTMENTS
- . TO THE SUPREME COURT) (S. 70)

PROVISIONS FOR PRESENT SENATORS

- . NOT INCLUDED IN THE BILL
- . SENATE CONTINUES UNTIL HOUSE OF THE FEDERATION
- . COMES INTO EXISTENCE BY PROCLAMATION (SS. 139-

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 03082 03 OF 04 202318Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05 ICAE-00
NSCE-00 INRE-00 SSO-00 /055 W
-----006441 202340Z /63

O 202245Z JUN 78

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 7773

INFO AMCONSUL MONTREAL

ALL OTHER CANADIAN POSTS POUCH

LIMITED OFFICIAL USE SECTION 03 OF 04 OTTAWA 03082

- 142)
 - GOVERNMENT INTENDS TO APPOINT A SPECIAL
 - COMMISSION TO RECOMMEND RE EQUITABLE ARRANGEMENT
 - FOR PRESENT SENATORS
 - - THE HOUSE OF COMMONS
 - . NO CHANGE, EXCEPT PRINCIPLES OF PAR-
 - IAMENTARY GOVERNMENT ARE STATED
 - . CABINET REMAINS RESPONSIBLE TO IT,
 - NOT TO THE HOUSE OF THE FEDERATION
 - (D) PROVINCIAL AUTHORITIES
 - ALL SECTIONS ARE 'DESIGNATED PROVISIONS'
 - - WOULD PROVIDE FOR CONSULTATION WITH THE
 - EXECUTIVE COUNCIL OF A PROVINCE PRIOR TO
 - THE APPOINTMENT OF THE LIEUTENANT GOVERNOR
 - AND WOULD PROVIDE FOR THE APPOINTMENT OF AN
 - ADMINISTRATOR IN THE CASE OF THE DEATH OF
- LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 03082 03 OF 04 202318Z

- THE LIEUTENANT GOVERNOR
- (E) DISTRIBUTION OF POWERS
- ALL SECTIONS ARE 'DESIGNATED PROVISIONS'
- - BASICALLY REPEATS PRESENT SECTIONS 91-95 OF
- THE BNA ACT EXCEPT
- . SS. 91(1) AND 92(1):
- - MINOR CHANGES TO TAKE ACCOUNT OF PRO-
- VISIONS FOR DEMOCRATIC ELECTIONS
- . S. 93:
- - WOULD CONSOLIDATE AND CONTINUE IN FORCE
- THE PRESENT AUTHORITY OF THE PROVINCES
- IN RESPECT OF EDUCATION AND THE VARIOUS
- DENOMINATIONAL PROTECTIONS
- (F) REGIONAL DISPARITIES (S. 96)
- - A COMMITMENT BY PARLIAMENT AND, WHEN ADOPTED,

- BY THE PROVINCIAL LEGISLATURES TO PROMOTE
- EQUAL OPPORTUNITIES FOR SOCIAL AND ECONOMIC
- WELL-BEING, ASSURE ESSENTIAL PUBLIC SERVICES
- AND PROMOTE THE REDUCTION OF DISPARITIES IN
- CANADA

- (G) FEDERAL-PROVINCIAL CONSULTATION

- THESE SECTIONS ARE 'DESIGNATED PROVISIONS'

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 03082 03 OF 04 202318Z

- - ANNUAL CONFERENCE OF FIRST MINISTERS (S. 97)
- - DECLARATORY POWER
- . REQUIREMENT TO CONSULT BEFORE USING
- - CERTAIN COMMITMENTS BY PARLIAMENT FOR THE
- PAYMENT OF MONEY TO PROVINCES MAY BE MADE
- CONSTITUTIONALLY BINDING
- (H) THE SUPREME COURT
- - CONSTITUTIONALIZES THE SUPREME COURT AND
- ENVISAGES EVENTUAL ENTRENCHMENT
- - APPOINTMENTS:
- . REQUIREMENT TO SEEK AGREEMENT WITH PROVINCE
- CONCERNED
- . PROVISION FOR A NOMINATING COUNCIL IN THE
- CASE OF DEADLOCK
- . AFFIRMATION OF APPOINTMENTS BY HOUSE OF
- THE FEDERATION
- - COMPOSITION:
- . INCREASED FROM 9 TO 11 JUDGES TO PROVIDE A
- MORE ADEQUATE DISTRIBUTION
- - FOUR FROM QUEBEC (NOW THREE)
- - THE REMAINING SEVEN MEMBERS TO BE
- APPOINTED FROM THE ATLANTIC PRO-

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 03082 04 OF 04 202319Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 HA-05 ICAE-00
NSCE-00 INRE-00 SSO-00 /055 W
-----006443 202340Z /63

O 202245Z JUN 78

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 7774

INFO AMCONSUL MONTREAL

ALL OTHER CANADIAN POSTS POUCH

LIMITED OFFICIAL USE SECTION 04 OF 04 OTTAWA 03082

- VINCES, ONTARIO, THE WESTERN
 - PROVINCES OTHER THAN BRITISH
 - COLUMBIA, AND BRITISH COLUMBIA (AT
 - LEAST ONE FROM EACH AREA)

 - - CIVIL LAW OF QUEBEC

 - CIVIL LAW QUESTIONS WOULD BE DECIDED SOLELY
 - BY SUPREME COURT JUDGES FROM QUEBEC.
- END TEXT.
ENDERS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TEXT, CONSTITUTIONAL AMENDMENTS, LEGISLATIVE BILLS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978OTTAWA03082
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780257-0725
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780640/aaaabimw.tel
Line Count: 418
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 02b14685-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 8
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2284743
Secure: OPEN
Status: NATIVE
Subject: THE CONSTITUTIONAL AMENDMENT BILL
TAGS: PGOV, PINT, CA
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/02b14685-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014